

U.S. Patent Application Serial No. 09/786,110
Amendment dated January 29, 2004
Reply to OA of July 29, 2003

REMARKS

Claims 1-5 are currently being examined, all of which have been amended. No new claims have been added. It is respectfully believed that no new matter has been added.

The Examiner has objected to the drawings for various informalities. The drawings have been revised to remove the noted informalities. Reference sign 42a is shown in FIG. 8. Thus, Applicants respectfully submit that this objection should be withdrawn.

The Examiner has objected to the specification for various informalities. The specification has been revised to remove the noted informalities. Thus, Applicants respectfully submit that this objection should be withdrawn.

Claims 1-5 stand objected to for various informalities. Claims 1-5 have been amended to remove the noted informalities. Thus, Applicants respectfully submit that this objection should be withdrawn.

Claim 1 stands rejected under 35 USC 101 for non-statutory subject matter. Claim 1 has been amended to remove non-statutory subject matter. Thus, Applicants respectfully submit that this rejection should be withdrawn.

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Claims 1 and 4 stand rejected under the second paragraph of 35 USC 112 as being indefinite.

Claims 1 and 4 have been amended to remove noted indefiniteness. Thus, Applicants respectfully submit that this rejection should be withdrawn.

Claims 1 and 2 stand rejected under 35 USC 103(a) as being obvious over USP 4,704,749 (**Aubert**) in view of USP 2,439,163 (**Farmer**).

Applicants respectfully traverse this rejection.

Aubert discloses a body lift 10 with a wheeled frame 12 and drive motor 42, 44 for moving the frame 12 on its wheels 48, 54. **Aubert** does not disclose back upholstery rotatable away from any thigh supports.

Farmer discloses a carriage, indicated as a whole by the numeral 16, mounted on the standards 14-14 for a guided movement upwardly and downwardly upon the rails 15-15. **Farmer** does not disclose back upholstery rotatable away from any thigh supports.

Claim 1, as amended, sets forth "back upholstery (48) rotatable away from the thigh supports (32)".

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Aubert and **Farmer**, alone or in combination, do not describe, teach, or suggest the features set forth in claim 1 of “a back upholstery (48) rotatable away from the thigh supports (32)” in combination with the other claimed features.

Thus, Applicants respectfully submit that this rejection should be withdrawn.

Claim 3 stands rejected under 35 USC 103(a) as being obvious over **Aubert** in view of **Farmer**) and USP 2,854,673 (**Ramsey**).

Applicants respectfully traverse this rejection.

Ramsey discloses a frame A consisting of horizontal U-shaped base 1 provided with wheels 2 and casters 3. **Ramsey** does not disclose back upholstery rotatable away from any thigh supports.

Aubert, **Farmer**, and **Ramsey**, alone or in combination, do not describe, teach, or suggest the features set forth in claim 1 of “a back upholstery (48) rotatable away from the thigh supports (32)” in combination with the other claimed features.

Thus, Applicants respectfully submit that this rejection should be withdrawn.

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Claim 5 stands rejected under 35 USC 103(a) as being obvious over **Aubert** in view of **Farmer**) and USP 4,796,948 (**Paul**).

Applicants respectfully traverse this rejection.

Paul discloses a support system for a person in a sitting attitude to vary pressures produced on affected body areas. **Paul** does not disclose back upholstery rotatable away from any thigh supports.

Aubert, **Farmer**, and **Paul**, alone or in combination, do not describe, teach, or suggest the features set forth in claim 1 of "a back upholstery (48) rotatable away from the thigh supports (32)" in combination with the other claimed features.

Thus, Applicants respectfully submit that this rejection should be withdrawn.

The Examiner noted that claim 4 would be allowable if rewritten or amended to overcome the rejection(s) under the second paragraph of 35 USC 112 for indefiniteness. As indicated above, claims 1 and 4 have been amended to remove noted indefiniteness. Thus, in view of the foregoing, Applicants respectfully submit that claim 4 is allowable.

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Accordingly, all pending claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If the Examiner feels that this application is not currently in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number indicated below to arrange for a telephone conference to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

Enclosures: Replacement Sheets of Drawing (Figs. 1-35)
Petition for Extension of Time